



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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C. HANS FIGI,

Plaintiff,

-against-

ROSS INSTITUTE FOR ADVANCED STUDY  
AND INNOVATION IN EDUCATION, THE  
ROSS SCHOOL and COURTNEY SALE ROSS,

Defendants.  
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**ORDER DISMISSING  
COMPLAINT**

12 Civ. 5757 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff alleges diversity of citizenship as the basis of the court's subject matter jurisdiction. However, the citizenships of the parties—C. Hans Figi, the Ross School, and Courtney Sale Ross—are not sufficiently addressed. Residence is not the equivalent of citizenship. A corporation is deemed a citizen of any state in which it is incorporated and of the state where it has its principal place of business. Hertz Corp. v. Friend, 130 S. Ct. 1181, 1190 (2010).

Plaintiff has 20 days from issuance of this order to file an amended complaint, conforming to this order. If plaintiff fails to do so, this order becomes final.

Defendants' motion to dismiss Count one of the complaint (Doc. No. 3) is denied as academic in light of this order, and the Clerk shall mark it terminated. However, I have read the motion and the complaint, and suggest to the parties that neither plaintiff, nor defendants, will profit by including this count, nor renewing the motion. This case presents a breach of contract lawsuit that should be adjudicated as such in state court unless jurisdiction in federal court is shown.

SO ORDERED.

Dated: New York, New York  
November 2, 2012

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein".

ALVIN K. HELLERSTEIN

United States District Judge